

Box AF
Response under 37 CFR 1.116
Expedited Procedure
Examining Group 1615

Attorney Docket No. P66226US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jerome BESSE et al.

Application No.: 09/764,990

Art Unit: 1615

Filed: January 22, 2001

Examiner: DI NOLA BARON, Liliana

For PHARMACEUTICAL COMPOSITION INTENDED IN PARTICULAR FOR THE
PREVENTION AND THE TREATMENT OF RADIOMUCOSITIS AND
CHEMOMUCOSITIS

TRANSMITTAL

Commissioner for Patents
BOX AF
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Transmitted herewith please find Amendment and Petition for Extension of Time in connection with the subject application.

— Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a statement previously submitted.

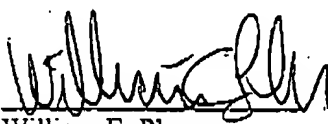
X A check in the amount of \$110.00 is attached for: Petition for Extension of Time.

— Charge the amount of \$ to Deposit Account No. 06-1358.

XX If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)-(d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358.

JACOBSON HOLMAN PLLC
400 Seventh Street, N. W.
Washington, D.C. 20004-2201
Atty. Dkt. No. P66226US0
Date: December 23, 2002

By:



William E. Player
Registration No. 31,409

WEP:rdtr:vtthomas\2002\DECEMBER\P66226US0-transmittal-aft final.wpd

LAW OFFICES OF

JACOBSON HOLMAN

PROFESSIONAL LIMITED LIABILITY COMPANY

400 SEVENTH STREET, N. W.

WASHINGTON, D. C. 20004

(202) 636-6666

HARVEY B. JACOBSON, JR.
JOHN CLARKE HOLMAN
SIMOR L. MOSKOWITZ
ALLEN S. MELSER
MICHAEL R. SLOBASKY
MARSHA S. GENTNER
JONATHAN L. SCHERER
IRWIN M. AISENBERG
GEORGE W. LEWIS
WILLIAM E. PLAYER
YOON S. HAM
PHILIP L. O'NEILL
LINDA J. SHAPIRO
LEESA N. WEISS
SUZIN C. BAILEY
MATTHEW J. CUCCIAS
DANIEL K. DORSEY
SUZANNAH K. SUNDBY

JACOBSON HOLMAN STERN

OF COUNSEL
MARVIN R. STERN
NATHANIEL A. HUMPHRIES

TELEFAX:
(202) 393-5350
(202) 393-5351
(202) 393-5352

E-MAIL: P@JHIP.COM
INTERNET: WWW.JHIP.COM

*BAR OTHER THAN DC

IMPORTANT

FACSIMILE COVER LETTER**Date:** January 21, 2003**To:** Examiner DI NOLA BARON, Liliana
Art Unit 1615**Facsimile No.** 703-746-3954**Page 1 of 12****From:** W. PLAYER

In re the Application of: Jerome BESSE et al.

Serial No. 09/764,9900

Group Art Unit: 1615

Filed: January 22, 2001

Examiner: DI NOLA BARON, Liliana

For: PHARMACEUTICAL COMPOSITION INTENDED IN PARTIUCULAR FOR THE PREVENTION
AND THE TREATMENT OF RADIOMUCOSITIS AND CHEMOMUCOSITIS

Message

*As requested, attached are copies of the papers filed December 23, 2002, and the
PTO date stamped receipt card.*

Thank you for your consideration.

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, COPYING, OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

R:\rthomas\FORMS\faxcover-ptc.wpd

NE #10/C
VC
1-23-03

Box AF
Response under 37 CFR 1.116
Expedited Procedure
Examining Group 1615

Attorney Docket No. P66226US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jerome BESSE et al.

Application No.: 09/764,990

Art Unit: 1615

Filed: January 22, 2001

Examiner: DI NOLA BARON, Liliana

For PHARMACEUTICAL COMPOSITION INTENDED IN PARTICULAR FOR THE
PREVENTION AND THE TREATMENT OF RADIOMUCOSITIS AND
CHEMOMUCOSITIS

AMENDMENT

Commissioner for Patents
BOX AF
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

The instant paper is submitted in response to the Office Action mailed August 21, 2002.

IN THE CLAIMS

Cancel claim 29, without prejudice or disclaimer.

Add the following claims:

10 30.

Composition according to claim 21, wherein the vehicle is water.

C1

11 31.

Composition according to claim 21 having a viscosity less than 200×10^{-3} Pa.s at 35-37° C.